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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,688	10/02/2003	Ron E. Goade SR.	6928.021	9781
30589	7590	05/10/2004	EXAMINER	
DUNLAP, CODDING & ROGERS P.C. PO BOX 16370 OKLAHOMA CITY, OK 73113			LEE, DIANE I	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,688

Applicant(s)

GOADE, RON E.

Examiner

D. I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/2/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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DETAILED ACTION

1. Claims 1-27 are presented for examination.
2. Acknowledgment is made that this application is a continuation of U.S. Application Serial No. 09/973,274 filed 09 October 2001, which issued as U.S. Pat. No. 6,688,529,

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,688,529 (referred as Patent'529).** Although the conflicting claims are not identical, they are not patentably distinct from each other because in claims 1-31 of the instant application, Applicant claims an apparatus and the method thereof with regard to the transaction card sheet product. The only difference between the present claimed invention and the Patent'529 is that, Patent'529 is directed to a method of constructing the transaction card sheet product and the instant application is directed to both a method of constructing the transaction card sheet product with a few terminology difference (e.g., a strip of releasable tape to a strip of removable tape; a corresponding tape receiving portion removably attached to the information card to a corresponding tape receiving portion attached to the information card; a strip of removable tape to a corresponding portion of the strip of removable tape, and etc.) and an equivalent apparatus of the

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transaction card sheet product. The examiner believes that the scope of claims 1-31 of the present application and claims 1-18 of Patent'529 are practically identical. Thus, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use the teachings of claims 1-18 of Patent'529 to include an apparatus and a method of the transaction card sheet product as set forth in the present claimed invention. Accordingly, such a modification would have constituted an obvious expedient well within the ordinary skill in the art.

Allowable Subject Matter

5. Claims 1-31 would be allowable upon timely filing of Terminal Disclaimer (see the Double Patenting Rejection above.)

6. The following is an examiner's statement of reasons for allowance:

Warther et al. [US 6,305,716] teaches a method of constructing a transaction card sheet product having a plurality of transaction card assemblies, the method having the steps of providing a sheet of material; printing text, symbolic designs as non non-variable data on selected portions of the sheet of material; an adhesive layer applied to the sheet of material and directly overlaying is a strip of releasable tape to the sheet of material or a strip of releasable tape can be also applied to the laminated sheet of material; printing variable data on selected portions of the sheet of material; laminating the sheet of material with a transparent material so as to cover the variable and non-variable data printed on the sheet of material; and cutting the laminated sheet of material to define the plurality of transaction card assemblies such that each transaction card assembly includes an information card having variable and non-variable data printed thereon.

Warther [US 6,010,159] teaches a method of constructing a transaction card assembly, the method having the steps of printing text, symbolic designs as non non-variable data on selected portions of the transaction card assembly; applying a magnetic strip tape having a variable data, such as a machine

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readable data, to the transaction card assembly; printing variable data on selected portions of the transaction card assembly and the magnetic strip tape; laminating the transaction card assembly with a transparent material so as to cover the variable and non-variable data printed on the transaction card assembly; and cutting the laminated transaction card assembly to define the information card having variable and non-variable data printed thereon and a corresponding tape receiving portion.

One of ordinary skill in the art would not have been motivated to modify the teachings of Warther'716, Warther'159, or in combination of other references in order to obtain the specific transaction card sheet product having a strip of removable tape attached to the sheet of material with a variable data printed thereon, which corresponds to the variable data printed on the information card and the specific step of constructing transaction card sheet product that reads the printed variable data printed on the selected portion of the sheet of material after the lamination process in order to print the corresponding variable data on selected portion of the removable strip of tape prior to cutting the laminated sheet of material, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
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D. L.